

From: Chu, Xiangyu
Sent time: 08/11/2014 02:37:50 PM
To: Gallagher, Shirin; Williams, Cheryl B.
Subject: Press support for Flint Hill Resources
Attachments: Press-Public-Affairs-Request-Formdocx.docx

Hi Cheryl,

Please review the attached request and forward to the press office. Thanks

Xiangyu Chu
U.S. Environmental Protection Agency Region 10
Office of Compliance and Enforcement
206-553-2859

Public Affairs & Press Request Form

For Public Affairs & Press support, complete and send to your Unit Manager & R10_Press_Team@epa.gov

Project Manager or Case Developer

Xiangyu Chu

Unit Manager

Scott Downey

Attorney

Shirin Gallagher

Estimated Announcement Date

August 25, 2014

Project Summary

North Pole Refinery, Flint Hills Resources, Alaska, LLC.

Violations of RCRA; settlement of \$80,000.

On June 19, 2013, Respondent conducted groundwater remediation activities at the North Pole Refinery (Facility) that caused the generation of spent groundwater pre-filters containing iron sulfide. The spent groundwater pre-filters were disposed of by means of placement in a "roll off" container. On June 20, 2013, at 12:20 am and June 22, 2013, at 8:49 pm the spent pre-filters ignited and caused a fire inside the roll off container.

Failure to make a hazardous waste determination increases the likelihood that hazardous waste will be improperly managed as non-hazardous waste. In this case, FHR failed to determine if the spent groundwater remediation pre-filters containing iron sulfide were ignitable and reactive hazardous waste. The lack of a hazardous waste determination resulted in the iron sulfide containing paste that was on the groundwater filters to self-ignite as the paste dried out. The resulting fire was substantial enough that the local fire department was called to assist the facility in extinguishing the fire. After the fire was extinguished the debris was left in the original roll off container and a second fire fueled by the same filters started a few days later.

FHR failed to comply with the four conditions of storing hazardous waste without at a facility without a permit or interim status. From at least June 19, 2013, until June 22, 2013, when it stored spent groundwater pre-filters in a "roll off" container. The roll off container did not feature a lid. Therefore, the hazardous waste was stored in a container that was open at all times to the atmosphere. The roll off container was not labeled with the words "Hazardous Waste" and, therefore, provided no warning that the contents of the container was hazardous. The roll off container was not labeled with a hazardous waste accumulation start date to ensure that the waste was not stored on site for longer than 90 days. Finally, and most importantly, the hazardous waste was not managed by FHR in a manner so as to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste. The spent groundwater pre-filters were stored in a manner such that they self-ignited on two occasions (on June 20 and again on June 22) before FHR finally removed the hazardous waste from the roll off container and placed it in a sealed barrel with a sufficient quantity of water to prevent the re-ignition of the waste. The June 20 and June 22 fires were significant enough to require a response from the local fire departments, and the emergency responders had no basis to know that the fires had been caused by mis-management of a hazardous waste.

Environmental Messages

Key ideas you want to tell the public about why this project is important to human health & environment

Message 1

Making a hazardous waste determination is a key step that is necessary to determine what requirements are applicable to the waste, and to ensure that the waste will be managed in a manner that corresponds to the environmental and human health risks that it presents. FHR's failure to make a hazardous waste determination for the spent groundwater pre-filters containing iron sulfide presented a substantial potential for harm to human health and the environment and to the implementation of the RCRA program. The potential for harm is major and not moderate, because when FHR failed to make a hazardous waste determination, it did not manage the hazardous waste in accordance with the significant level of risk of harm to human health and the environment that it posed. Two fires occurred because the waste had not been adequately characterized. Furthermore, this violation resulted in failure to comply with other regulations that would have protected human health and the environment. This violation had a substantial adverse effect on RCRA program implementation.

Message 2

FHR failed to comply with container management standards over a four day period, resulting in two fires at the facility. The fires were significant enough that the local fire department was called in to help extinguish both fires, and presented a substantial risk of human and environmental exposure to hazardous waste. The hazardous waste was stored in an open container that exacerbated the potential for human and environmental exposure, and the lack of labeling of the containers put the emergency responders and facility employees at significant risk of harm because they had no warning of the ignitable and reactive characteristics of the waste inside.

By failing to manage hazardous waste in a such a way as to minimize the possibility of a fire, prevent a sudden or non-sudden release of hazardous waste or hazardous constituents, and failing to accumulate hazardous waste without meeting the conditions for operating without a permit or interim status, FHR failed to achieve the fundamental goal of RCRA, that is, to handle wastes in a safe and responsible manner.

Message 3

Ex: “EPA’s enforcement helps keep PCBs, which can cause cancer and other adverse health effects, out of the environment and away from people.”

Contacts & Notifications

People that need to know about this news: managers, respondents, respondent's attorney, PRPs, other agencies, tribes

[illegible]

--	--	--	--	--	--

Key Steps to Announce Your News

1. Program Request

2-3 weeks before your announcement or as early as possible:

1. Prepare a **Public Affairs Request Form**

- Send the completed form to your Unit Manager
- Your UM should review the form and send it to: R10_Press_Team@epa.gov
- Review EPA Region 10's [Public Affairs & Media Communications Policy](#)

2. When we receive your request, the Public Affairs Team will:

- Assign your project to a Press Officer
- Notify you that your project is assigned, usually within the week

2. Communications Draft and Reviews

Within 1 week of assignment, the Press Officer will:

1. Talk with you to discuss, as needed:

- Project / case background and facts, i.e. consent agreement, permit, grant, schedule, event
- Stakeholders, interested parties, potential level of interest / controversy
- Key messages and tone - why is this action important to human health/the environment
- Possible communication tools - e.g. press release or media advisory, web, social media
- For help with an R10 web project, email your request to R10_Web_Team@epa.gov

2. Press Officer will coordinate 1st draft review

- Communication Plan based on the information you have provided
- 1st draft news material/other communication tools for you to share with program staff
- Key reviewers are case/project manager and attorney
- Email subject: "[Name] Press Release – READY FOR CASE/PROJ MGR & ATTORNEY REVIEW"

3. Press Officer will reconcile initial comments into 2nd draft

- Next key reviewer is Unit Manager - cc case/project manager and attorney
- Email subject: "[Name] Press Release – READY FOR UNIT MANAGER REVIEW"
- Press Officer will also get peer reviews from Public Affairs Team

4. Press Officer will prepare final draft

- Key reviewer is Office Director - cc Unit Manager, case/project manager, and attorney
- Email subject: "[Project Name] Press Release – FINAL DRAFT READY FOR DIRECTOR REVIEW"
- Sensitive/hot announcements also need Ops Office/Public Affairs Director reviews

3. Issue News Announcement

1 day to 1 hour before news release

- Press Officer will review Communication Plan with you and spokesperson, as needed
- Team will confirm project web site updated, agreement filed, public notice published, etc.
- Press Officer confirms congressional and state notifications are completed by appropriate staff
- You, your case/project attorney, or the Press Officer will send a courtesy copy of our news announcement to key project contacts, e.g. respondent's or PRP's counsel, partners

News Release

- Press Officer sends news to media, external, and all internal contacts per Communication Plan
 - Press Officer shares media and external inquiries and coverage of the announcement
 - Press Officer and program spokesperson, if needed, will be available for news inquiries